572.

SUPREME COURT OF THE UNITED STATES.

No. 115.

THE UNITED STATES, APPELLANTS,

vs.

JOAQUIN ESTRADA.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

Transcript of the proceedings in case No. 501—Joaquin Estrada, claimant, vs. The United States, defendant—for the place named Santa Margarita.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this 28th day of Dec'r, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board, in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Joaquin Estrada, for the place named "Santa Margarita," was presented and ordered to be filed and docketed with No. 501, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *January* 15, 1853.

In case No. 501, Joaquin Estrada, for the place named "Santa Margarita," the deposition of Nicolas A. Den, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *Sept.* 13, 1853.

In the same case, the deposition of William C. Jones, a witness in behalf of the claimant, taken before the commissioners, sitting as a board, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *Sept.* 13, 1853.

Case No. 501 called; submitted on briefs, and taken under advisement by the board.

SAN FRANCISCO, *April* 4, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board confirming the claim.

(Vide page 24 of the Transcript.)

SAN FRANCISCO, *Aug.* 15, 1854.

In the same case, on motion of the United States law agent, the following order was made, to wit:

(Vide page 24 of this Transcript.)

Petition.

To the honorable Commissioners to settle private land claims in California:

The petition of Joaquin Estrada respectfully shows, that on the 27th day of September, A. D. 1841, Manuel Jimeno, governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Santa Margarita," situated in the present county of San Luis Obispo, containing four square leagues, a little more or less, with the boundaries described in the grant, which original grant is submitted herewith, marked "A," with a translation marked "B."

That said grant was duly approved, and possession of the land given in due form.

That he has been for more than ten years, and now is, in the quiet and undisputed possession of said tract of land.

That he knows of no conflicting claim.

That he relies for confirmation of title upon the original grant, submitted herewith upon the notes and records in the archives of the former government, now in charge of the U. S. Surveyor General, and upon such other and further proofs as he may be advised are necessary.

Wherefore, he prays the commissioners to confirm to him the said tract of land.

By his attorney,

HALLECK, PEACHY & BILLINGS.

Filed in office, Dec. 28th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of W. C. Jones.

Taken before the commissioners, sitting as a board, the deposition of Wm. Carey Jones, in behalf of claimant, Joaquin Estrada, No. 501.

The witness being first duly sworn, deposed as follows:

Questions propounded by Mr. Halleck, attorney for the Claimant.

Question 1st. What is your name, age, and place of residence?

Answer. My name is Wm. Carey Jones; my residence San Francisco.

Question 2d. Examine paper here shown to you, marked "A," heretofore filed in this case, and say whether you are acquainted with the signatures on it?

Answer. I am acquainted with the signatures of Alvarado, Antonio Maria Osio, and Manuel Jimeno; I have often seen write each of them, and their signatures, as appear on this paper, are genuine.

The law agent present, and declines asking any question.

WM. CAREY JONES.

Subscribed and sworn to before the commissioners, sitting as a board, this 13th day of Sept., 1853.

GEO. FISHER, *Sec'y.*

Filed in office, Sept. 13, 1853.

GEO. FISHER, *Sec'y.*

Deposition of N. A. Den.

SAN FRANCISCO, *January 15th*, 1853.

On this day, before Commissioner Harry J. Thornton, came N. A. Den, a witness in behalf of the claimant, Joaquin Estrada, petition No. 501, and was duly sworn, his evidence being given in English.

My name is Nicholas A. Den; my age is 40 years; I reside in Santa Barbara, and have lived in California 16 years.

I know the rancho called "Santa Margarita," claimed by Joaquin Estrada; I slept at his house on this land in 1842; I have been there frequently since, and he has continued to live on it; he has also had it stocked with cattle and horses; this rancho is in San Luis, Obispo county.

N. A. DEN.

U. S. law agent present.

Sworn to and subscribed before me, this 15th Jan'y, 1853.

HARRY J. THORNTON,
Commissioner, &c.

Filed in office, Jan'y 15, 1853.

GEO. FISHER, *Sec'y.*

1 S. D. K.

Año de 1841.

Espediente promovido por D. Joaquin Estrada, en solicitud del terreno conocido con el nombre del rancho de Santa Margarita.

No. 253.

Espediente.

2 S. D. K.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO. ANTONIO MARIA OSIO.

[Ad'a Maritima de Mont'y.]

S'or Prefecto del 1er Distrito:

Joaquin Estrada, natural de este departamento y vecino de Monterey, ante V. S. como mas haya lugar en derecho comparece y dice; que siendo poseedor de una cantidad considerable de ganado vacuno y no teniendo paraje en qe. ponerlo y hallandose en la actualidad valdio el paraje conocido con el nombre de Santa Margarita, que contendra tres sitios de ganado mayor poco mas o menos segun de demuestra en el diseño que devidamente acompaño; suplico á V. S. se sirva tomar los informes que estime convenientes y poner en conocimiento del Es.

gobernador, el estado como llebo dicho del paraje mencionado, en el que existe una casa perteneciente á la mision de San Luis Obispo, pero esta está arruinada y al caerse y no obstante protesto no hacer uso de ella ni impedir que la indicada mision lo haga como le parezca conveniente, lo mismo que con las tierras de labor, que quiera cultivar para los Indigenos. Por tanto.

A V. S. suplico acceda á mi solicitud para llegar alcanzar del gobierno, la comision que solicito de lo que recibiré gracia y merced.

Monterey, 7 de Abril, de 1841.

JOAQ'N T. ESTRADA.

3 S. D. K.

S'or JUAN DE CASTRO:

Mayo 10, *de* 1841.

Pase al Adm'or de San Luis para qe. informe sobre el contenido de esta solicitud.

CASTRO.

SAN LUIS OBISPO, *Julio* 7, *de* 1841.

S'or Prefecto:

De conformidad con el decreto de V. S. digo que el paraje q. solicita está valdio y sin ocupacion ni cultivo pr. este establecimiento la tierra q'l antes se sembraba, ya no se siembre y la casa aunque esta deteriorada pueda serle util á este establecimiento algun material de que se compone.

VICENTE CANET.

4 S. D. K.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

XIMENO.

[Ad'a maritima de Mont'y.]

Ex'mo S'or:

El ciudadano Joaquin Estrada en la presente instancia solicita de la bondad de V. E. la propiedad del terreno conocido con el nombre de Santa Margarita, perteneciente á la ex-mision de Sn. Luis Obispo.

Las circunstancias q'l adornan al interesado son á juicio de este prefectura, las necesarias y acreedoras á esta clase de concesiones pues en un pais nuevo como este la honradez y laboriasidad son los principales cualidades, pr. que por ellas se des arroyen los elementos grandes con q. cuenta para su engrandecimiento.

Al opinar asi la prefectura de mi cargo es sujetandose siempre á la sup'r de V. E.

Monterey, Agosto 9, de 1841.

JOSE R. ESTRADA.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify, that the six preceding and hereunto attached pages of tracing paper, numbered from one to six, inclusive, and each of which is verified by my initials, (S. D. K.) exhibit true and accurate copies of certain documents on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal (not having a seal of office) at the city of San Francisco, Cal., the 12th day of January, 1853.

SAMUEL D. KING,
Surv. Gen'l, Cal.

Filed in office, January 12th, 1853.

GEO. FISHER, *Sec'y.*

Translation of Espediente.

Stamp Third, Two Reales.

Provisionally authorized by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one.

ANTONIO MARIA OSIO.

(Sg'd) ALVARADO.

[Seal of the Custom-house.]

Señor Prefect of the 1st District:

Joaquin Estrada, native of this department, and resident of Monterey, before you, as he best may in law, appears and says, that being owner of a considerable number of neat cattle, and having no place in which to place them, and the place known by the name of "Santa Margarita" being actually vacant, which may contain three square leagues, a little more or less, as shown in the map, which he duly transmits herewith, he prays you to have the goodness to take the informations which you may deem proper, and make known to his Excellency, the governor the State, as I have said of the aforementioned place, in which there is a house pertaining to the mission of San Luis Obispo, but this is in ruins and ready to fall down, nevertheless he promises not to make use of it, nor to hinder said mission from using it as it may see fit; and the same with respect to the planting grounds, which it may wish to cultivate for the Indians.

Wherefore he prays you to accede to his request, that he may come to obtain from the government the consideration he asks for, from which he will receive grace and favor.

Monterey, April 7th, 1841.

(Sg'd) JOAQUIN T. ESTRADA.

SAN JUAN DE CASTRO, *May* 10, 1841.

Let it pass to the administrator of San Luis, that he may report upon the content of the petition.

(Sg'd) CASTRO.

SAN LUIS OBISPO, *July 7th*, 1841.

Señor Prefect:

In conformity with your decree I say that the place petitioned for is vacant, and without occupation or cultivation; the land which formerly was sowed is not planted now, and the house, although injured, may be useful to this establishment on account of the material of which it is composed.

(Sg'd) VICENTE CANET.

Most Excellent Sir:

The citizen, Joaquin Estrada, in the present petition solicits of your excellency's goodness the ownership of the land known by the name of Santa Margarita, pertaining to the ex-mission of San Luis Obispo. The qualities which adorn the person interested are, in the jndgment of this prefecture, those necessary, and which entitle him to this kind of concession, for in a new country like this honorable conduct and industry are the principal qualities which developed the great elements upon which it relies for its aggrandizement.

While expressing this opinion the prefecture under my charge is always subject to your excellency's superiority.

Monterey, August 9th, 1841.

(Sg'd) JOSE R. ESTRADA.

MONTEREY, *September 27th*, 1841.

Having seen the petition with which the espediente commences, the report of the señor prefect of the 1st district, and of the person in chase of the establishment of San Luis Obispo, with all other things which were represented and proper to be considered in conformity with the laws and regulations on this matter, I declare citizen Joaquin Estrada owner in fee of the place known by the name of Santa Margarita, bounded on the east by the "Posa del Rincon," on the west by the hills, on the north by the hills of the arroyo and cañada, called "Salagolla," and south as far as the point called "La Tasajera." Let note be taken in the proper book, and let this espediente be directed to the most excellent departmental junta for its approval. Señor Don Manuel Jimeno Casarin, 1st regular vocal of the most excellent departmental junta, in exercise of the government of the same, thus ordered, decreed, and signed it, to which I certify.

(Sg'd) MANUEL JIMENO.

(Sg'd) JOSE Z. FERNANDEZ,
Secretary at Interim.

Filed in office, Jan'y 15th, 1853.

GEO. FISHER, *Sec'y.*

A.—*Title*.

Sello Primero, Seis Pesos.

Habilitado provicionalmente por la aduana maritima de Monterey, para los años de 1839 y 1840.

ALVARADO. ANTONIO MARIA OSIO.

Valga para los años de 1841 y 1842.

JIMENO. ANTONIO MA. OSIO.

[Ada. marita. de Mont'y.]

Manuel Jimeno Casarin, 1er vocal propietario de la Ex'ma Junta Departamental en ejercicio del Gobierno del mismo:

Por cuanto Dn. Joaquin Estrada ha pretendido para su beneficio personal el paraje conocido con el nombre de Santa Margarita colindante al este con la volsa del Rincon, al œste con las lomerias, al norte con las lomerias del arroyo y cañada que se nombra de Satagolla, y al sur hasta el punto llamado la Tasajera; practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en concederle el terreno mencionado, declarandole la propiedad de el por los presentes letras sugetandose á la aprovacion de la Ex'ma Junta Departamental y á las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode.

2a. Solicitará del juez respectivo que le dé posecion juridica en virtud de este despacho por el se demarcarán los linderos en cuyos limites pondra sús mojoneras respectivas.

3a. El terreno de que se hace menciones de cuatro sitios de ganado mayor poco mas ó menos. El juez que diere la posecion lo hara medir conforme á ordenanza, quedando el Sobrante que resulte á la nacion para los usos convenientes.

4a. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando, que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo, y se entreque al interesado para su resguardo y demas fines. Dado en Monterey, a veinte y siete de S'bre, de mil ochocientos cuarenta y uno.

MAN'L JIMENO,
FRANCISCO ARCE, *Oficial primero*.

Queda tomada razon de este despacho en el libro de acientos sobre adjudicaciones de terrenos valdios.

ARCE.

Filed in office, Dec'r 28th, 1852.

GEO. FISHER, *Sec'y*.

Translation of Title.

Stamp 1st, Six Dollars.

Provisionally authorized by the maritime custom-house of Monterey, for the years 1839 and 1840.

(Sgd.) ANTONIO MA. OSIO.
(Sgd.) ALVARADO.

Good for the years 1841 and 1842.

(Sgd.) ANTONIO MA. OSIO.
(Sgd.) JIMENO.

[Seal of custom-house, Monterey.]

Manuel Jimeno Casarin, 1st regular vocal of the most excellent Departmental Junta, in exercise of the government of the same:

Whereas, Don Joaquin Estrada has, for his own personal benefit, petitioned for the place known by the name of "Santa Margarita," bounded on the east by the Bolsa del Rincon, west by the hills, north by the hills of the arroyo and cañada of Satagolla, and on the south as far as the point called "La Tasajera;" the proper measures and examinations being previously made, as required by laws and regulations on the matter, using the powers which are conferred on me in the name of the Mexican nation, I have granted him the aforesaid land, declaring to him the ownership of it by the present letters, subject to the approbation of the most excellent departmental junta, and to the following conditions:

1st. He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it as he may see fit.

2d. He will request the proper magistrate to give him juridical possession in virtue of this patent, by whom the boundaries will be marked out, in the limits of which he shall place the respective bounds.

3d. The land of which mention is made, is four square leagues, a little more or less. The magistrate who may give the possession will cause it to be measured, in conformity with the ordinance, leaving the surplus which may result to the nation for its convenient uses.

4th. If he shall contravene these conditions, he will lose his right to the land, and it will be subject to denouncement by another person. In consequence, I order that this title being held as firm and valid, note be made of it in the respective book, and it be delivered to the person interested, for his security and other purposes.

Given in Monterey, on the twenty-seventh day of September, one thousand eight hundred and forty-one.

(Sgd.) MANUEL JIMENO.
(Sgd.) FRANCISCO ARCE,
Chief Clerk.

Note has been made of this patent in the book of entries of grants of vacant lands.

(Sgd.) ARCE.

Filed in office, December 28th, 1852.

GEO. FISHER, *Sec'y*.

Opinion.

JOAQUIN ESTRADA vs. THE UNITED STATES. } Case 501.

Santa Margarita.—Four leagues of land in the county of San Luis Obispo.

This claim is founded on a grant made to the present claimant by Manuel Jimeno, 1st vocal of the most excellent departmental junta, exercising the functions of governor, dated September 27th, 1841, and duly to be proven genuine. The grant does not appear to have been approved by the departmental assembly, nor is there any evidence of juridical possession having been given. In other respects, the case presents no question of difficulty.

The petition to the governor, contained in the espediente, describes the land by the name of Santa Margarita, and containing three square leagues, a little more or less, as shown by the map which accompanies it. The grant itself is for four square leagues, and describes *and describes* the lands by metes and bounds; the boundaries given are marked with sufficient distinctness on the map, and, according to the scale, shows the quantity to be less than the amount called for in the grant. The grant contains no condition for building a house, or for occupation within a year. The evidence shows, that in the year immediately preceding the date of the grant, the grantee had a house on the land, and has continued to live on it, and that he also had on it stocks of cattle and horses. This is considered a substantial compliance with the conditions of the law, and entitles the petitioner to a confirmation of his claim.

Filed in office, April 4th, 1854.

GEO. FISHER, *Sec'y*.

JOAQUIN ESTRADA vs. THE UNITED STATES. } Case 501.—Santa Margarita.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petition is valid, and it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the county of San Luis Obispo, and is known by the name of Santa Margarita, being the same which was granted to the present claimant by Manuel Jimeno, on the 27th of September, 1841, and is now held and occupied by said claimant.

The said tract of land is bounded as follows: On the east, by the Bolsa del Rincon; on the west by the hills, on the north by the hills of the Arroyo and Cañada de Satagolla; on the south, as far as the point called la Tasajera, and contains four square leagues, a little more or less. For a more particular description reference to be had to the original grant and map contained in the espediente, a traced copy of which, together with said grant, are filed in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the U. S. district court for the southern district of Cal., and the other be transmitted to the Attorney General of the U. S.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary of the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing twenty-four pages, numbered from 1 to 24, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 501, on the docket of the said board, wherein Joaquin Estrada is the claimant against the United States, for the place known by the name of "Santa Margarita."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this thirtieth day of October, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

(Sgd.) GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify, that the foregoing twenty-five pages, numbered from 1 to 25, both inclusive, contain a full, true, and correct copy of transcript No. 501, filed in this

office, wherein Joaquin Estrada is appellee, and the United States are appellants, for "Santa Margarita."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, California, [L. S.] this 19th day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

C. E. CARR, *Clk.*

DISTRICT COURT U. STATES,
South. Dist. of California.

CLERK'S OFFICE, LOS ANGELES COUNTY.

JOAQUIN ESTRADA, appellee, ads. THE UNITED STATES, appellants. } Docket No. 149. Transcript No. 501.

Be it remembered, that on the eighth day of November, A. D. 1854, in the district court of the United States for the southern district of California, the following proceedings were had, to wit: a duly certified transcript of the proceedings and decision of the commission to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Joaquin Estrada is the claimant against the United States, for the place named "Santa Margarita," was received and filed, and docketed with No. 149, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *April 10th*, 1855.

In case No. 149, Joaquin Estrada for Santa Margarita, the notice of appeal from U. S. Attorney General was filed.

(Vide page 3.)

LOS ANGELES, *Sept. 28th*, 1855.

In same case, the petition of the United States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Sept. 28th*, 1855.

In same case, the answer of appellee was filed.

(Vide page 4.)

LOS ANGELES, *October 3d*, 1855.

In same case, the opinion of the court was delivered, confirming the claim, and the decree entered.

(Vide page 5.)

LOS ANGELES, *October 18th*, 1855.

In same case, the order of appeal on motion of P. Ord, U. S. Attorney, was filed.

(Vide page 5.)

Notice of Appeal.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, 10*th February*, 1855.

JOAQUIN ESTRADA
vs.
THE UNITED STATES. } 501.

You will please take notice, that in the above case decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of November, 1854, the appeal in the district court of the United States for the southern judicial district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Filed April 10th, 1855.

C. E. CARR, *Cl'k.*

Petition of United States for Review.

In the District Court of the United States for the southern district of California—Hon. Isaac S. K. Ogier, judge.

JOAQUIN ESTRADA
ads.
THE UNITED STATES. } No. 149.—(Transcript No. 501.)

The petition of Pacificus Ord, attorney for the United States, for and in behalf of the United States, respectfully represents, that on or about the 28th of December, A. D. 1852, Joaquin Estrada petitioned the Board of U. States Land Commissioners for the State of California, claiming the place called "Santa Margarita," in San Luis Obispo county, of the extent of four square leagues, a little more or less; that on or about the 4th of April, A. D. 1854, the said commissioners confirmed the said claim; that on or about the 8th of November, A. D. 1854, the said commissioners caused a transcript of their proceedings and decision, with the evidence in said cause, to be filed in the office of the clerk of this honorable court; that on or about the 12th of November, A. D. 1854, the Hon'ble Caleb Cushing, Attorney General of the United States, received a certified transcript of the said proceedings, decision and evidence in said cause, from said commissioners. That thereafter, to wit, on or about the 10th of April, A. D. 1855, the said Attorney General filed, on caused to be filed, in said clerk's office a notice of the intention of the said United States to prosecute the appeal in said cause; that the land claimed is in the southern district of California, and within the jurisdiction of this honorable court; and the said claimant denies, generally, that the said claimant has a valid title to the said land. Wherefore the petitioner prays, that the said Joaquin Estrada or his attorney may be served with a copy of this pe-

tition; and that, after due proceedings had, the said decision of said commissioners in said cause may be reviewed, reversed and set aside, and that the said claim or title may be decreed to be invalid; and general relief.

P. ORD,
Attorney of the U. S. for the southern district of Cal'a.

Filed Sept. 28th, 1855.
(Signed) C. E. CARR, *Clerk.*
By J. W. ROSS, *Dep'y.*

Answer of Appellee.

In the United States District Court for the southern district of California.

THE UNITED STATES, appellants,
vs.
JOAQUIN ESTRADA, appellee. } No. 149.

Answer of Appellee.

Joaquin Estrada appears by his attorneys, and for answer to the petition of the United States filed herein, says: That his title to the land called Santa Margarita, as set forth and described in his petition to the Board of Commissioners, and in the documentary and other evidence in this case, is a good and valid title; and he prays this honorable court to affirm the decision of the Board of Commissioners, and to decree his title to be valid.

HALLECK, PEACHY & BILLINGS,
Att'ys for Appellee.

Filed Sept. 28, 1855.
(Signed) E. C. CARR, *Clerk.*
By J. W. ROSS, *Dep'y.*

Decree.

JOAQUIN ESTRADA, appellee,
ads.
THE UNITED STATES, appellant. } No. 149—Santa Margarita.

This cause coming on to be heard, on a special term of this court, on an appeal from the final decision of the commission to ascertain and settle private land claims in the State of California, under the act of Congress approved March the 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded, and it appearing that said transcript has been filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed, that the decision of said commissioners be affirmed, and that the claim of the said Joaquin Estrada to the land described in the grant in this case is a good and valid claim, and the same is hereby confirmed to the said appellee to

the extent of four square leagues: Provided that the said quantity of four square leagues be contained within the limits or boundaries called for in said grant to which it refers; but if there be less than said named quantity within said boundaries, then the claim of said appellee to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. District Judge for the southern district of Cal'a.

Order of Appeal.

In the U. States District Court for the Southern District of California.

Special term, Sept., 1855.—Los Angeles.

JOAQUIN ESTRADA, app'ee, ads. THE UNITED STATES, app't. } No. 149—Transcript No. 501.

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the court, that an appeal be granted the United States to the Supreme Court of the United States, from the judgment of this court against the United States in the above entitled cause, rendered on or about the 3d day of October, A. D. 1855.

P. ORD,
U. S. District Attorney.

Filed October 18th, 1855.

C. E. CARR, *Clerk.*
By J. W. ROSS, *Dep.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing six pages, numbered from 1 to 6, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said court, of the documentary evidence, and of the testimony of witnesses upon which the same is founded, on file in this office, in case No. 149 on the docket of the said court, wherein Joaquin Estrada is appellee, and the United States are appellants, for "Santa Margarita."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this nineteenth [L. S.] day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

C. E. CARR, *Clerk.*